IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3711 OF 2005
IN
APPEAL NO.1035 of 2005
IN
NOTICE OF MOTION NO. 962 OF 2005
IN
ORDINARY SUIT NO. 931 OF 2005

Yasmin Feroz Khan .. Applicant
versus
Naseem Roshan Ali & Anr. .. Respondents

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Mr.G.V. Iyer i/b Ms.Rachana Kantawala for the applicant.

Mrs.Meena Madhusudhan i/b M/s.Mahendra Patel & Associates for the respondent no.1.

Mr.Ashok Purohit i/b Mr.Z.H.Zaidy for the respondent no.2.

CORAM : R.M. LODHA AND
D.G. KARNIK, JJ

DATED : 12th December 2005.

P.C.:

For the reasons stated in the affidavit in support of the Notice of Motion, we are satisfied that the applicant's Advocate was prevented by good cause in appearing before the Court on 28th November 2005 when the appeal was called out and dismissed in default.

2. We restore the appeal to file.

3. Office to record accordingly.

4. Notice of Motion stands disposed of.

(R.M. LODHA, J)

(D.G. KARNIK, J)